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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,542	07/30/2003	Jen-Shou Tseng	9585-0425	1541
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Stolowitz Ford Cowger LLP 621 SW Morrison St Suite 600 Portland, OR 97205			EXAMINER SAFAIPOUR, HOUSHANG	
			ART UNIT 2625	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/604,542

Applicant(s)

TSENG, JEN-SHOU

Examiner

Houshang Safaipoor

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-30 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 6 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Jin (US 5,880,858).

Regarding claim 1, Jin discloses a scanning method applicable for use in a scanner having a document plane for a document, the method comprising:

scanning the document plane to obtain a distribution range of a light source (fig. 3A), the distribution range defining a first area (the entire platen of the scanner under the closed cover) of the document plane (fig. 3A, col. 5, lines 10-13); and

scanning a second area of the document plane covered by the document (D & E) to extract an image of the document, the second area being smaller than the first area (fig. 3B, col. 5, lines 14-19).

Regarding claim 4, Jin discloses the method according to claim 1, where the first area of the document plane is as large as a scan window (area under the cover of the scanner, fig. 3A, lines 10-13).

Regarding claim 6, Jin discloses the method according to claim 1, where the distribution range is obtained from a preview scan (fig. 3A, col. 5, lines 10-13).

Regarding claim 15, Jin discloses the method according to claim 1, where the second area of the document plane corresponds to an orientation of the document positioned at an arbitrary angle on the document plane (figs. 1A & 3B).

Regarding claim 16, Jin discloses the method according to claim 17, where only the second area of the document plane is scanned subsequent to the preview scan to extract the image of the document (col. 5, lines 14-15).

Regarding claim 17, Jin discloses the method according to claim 6, where the second area of the document plane is scanned subsequent to the preview scan (col. 5, lines 14-15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jin (US 5,880,858).

5. Regarding claim 5, providing the plane light source includes providing a built-in transparency adapter is well in the art as taught by fig. 2 of Batten (US 6,614,563).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jin (US 5,880,858) and further in view of Applicant Admitted Prior Art (AAPA).

Regarding claim 7, Jin does not explicitly disclose the step of using the optical scan module to scan the region covered by the distribution range further comprises providing a calibration window, so that when light emitted from the optical scan module goes through the calibration window, the calibration window can be used to calibrate the plane light source. AAPA discloses transparency adapter provided with a calibration window 114 to allow for sampling of the light (fig. 2). Therefore it would have been obvious to a person of ordinary skill in the art to provide such window in Jin's scanner for illumination intensity adjustments.

Claims 8-14 and 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) and further in view of Jin (US 5,880,858).

Regarding claim 8, AAPA discloses a method of capturing a scanning position in a flatbed scanner with transparent scanning functionality, the flatbed scanner having an optical scan module 104) and an original document plane (130) for supporting a document (102), the optical scan module moving generally parallel to the original document plane, the method comprising (fig. 1):

providing a plane light source with a distribution range covering a region to be scanned of the document [0009]; and

AAPA discloses using the optical scan module to scan the original document plane however, AAPA does not teach preview scanning to confirm the distribution range of the plane light source. Jin discloses such preview scanning (col. 5, lines 10-13). Therefore it would have been obvious to a person of ordinary skill in the art to use such preview scanning in a method as

disclosed by AAPA in order to determine the range for subsequent scanning of an original document.

Regarding claim 9, Jin discloses the method according to claim 8, further comprising disposing the document at an arbitrary position with an arbitrary angle on the original document plane (figs. 1A & 3B).

Regarding claim 10, AAPA discloses the method according to claim 8, where providing the plane light source includes providing an external transparency adapter (fig. 1).

Regarding claim 11, AAPA discloses the method according to claim 8, where providing the plane light source includes providing an external transparency adapter over the original document plane (fig. 1).

Regarding claims 12, 13 and 26, providing the plane light source includes providing a built-in transparency adapter (over the original) is well in the art as taught by fig. 2 of Batten (US 6,614,563).

Regarding claim 14, AAPA discloses transparency adapter provided with a calibration window 114 to allow for sampling of the light (fig. 2).

Regarding claim 18, Jin discloses the method according to claim 8, further comprising subsequent to using the optical scan module to capture the scanning position, using the optical scan module to scan the region covered by the distribution range to extract an image of the document (col. 5, lines 10-19).

Regarding claim 19, Jin discloses the method according to claim 18, where using the optical scan module to scan the region covered by the distribution range to extract the image of the document scans solely the region covered by the distribution range (col. 5, lines 10-19)

Regarding claim 20, AAPA discloses the method according to claim 8, where using the optical scan module to scan the original document plane comprises moving the optical scan module along the original document plane (fig. 1).

Regarding claim 21, AAPA discloses a scanning apparatus comprising:

an original document plane; an optical scan module (fig. 1); and

where the optical scan module 104) is enabled to scan a transparent document (104).

AAPA does not teach by first performing a preview scan of the original document plane to obtain a distribution coverage of a plane light source, and subsequently performing a scan of a region within the distribution coverage of the plane light source to extract the image of the transparent document. Jin discloses such preview and subsequent scanning (col. 5, lines 47-67). Therefore it would have been obvious to a person of ordinary skill in the art to use such preview and subsequent scanning in the method as disclosed by AAPA in order to determine the range for subsequent scanning of an original document.

Regarding claim 22, Jin discloses the scanning apparatus of claim 21, where the optical scan module is further enabled to scan a reflective document (col. 5, lines 10-19).

Regarding claim 23, AAPA discloses transparency adapter provided with a calibration window 114 to allow for sampling of the light (fig. 2).

Regarding claim 24, AAPA discloses the scanning apparatus of claim 21, further comprising the plane light source (fig. 1).

Regarding claim 25, AAPA discloses the scanning apparatus of claim 24, where the plane light source comprises an external transparency adapter, the external transparency adapter disposed over the original document plane (fig. 1).

Regarding claim 27, plane light source is mounted to a top lid of the scanning apparatus is well in the art as taught by fig. 2 of Batten (US 6,614,563).

Regarding claim 28, please refer to the rejection under claim 4.

Regarding claim 29, please refer to the rejection under claim 19.

Regarding claim 30, Jin discloses the scanning apparatus of claim 21, where the scanning apparatus is operable to scan the transparent document without use of a transparent film holder (col. 5, lines 50-51).

Allowable Subject Matter

6. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Houshang Safaipour/
Primary Examiner, Art Unit 2625